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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,437	11/16/2000	Lynn Watson	5087-21	5708
75405	7590	12/23/2008		
CYPRESS/BLAKELY Blakely Sokoloff Taylor & Zafman LLP 1279 Oakmead Parkway SUNNYVALE, CA 94085-4040			EXAMINER STEVENS, THOMAS H	
			ART UNIT	PAPER NUMBER
			2121	
			MAIL DATE	DELIVERY MODE
			12/23/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/715,437

**Applicant(s)**

WATSON ET AL.

**Examiner**

THOMAS H. STEVENS

**Art Unit**

2121

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-14 were cancelled.
2. Claim 15-17 were examined.

***Section I: Final Action***

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Deao et al. (US Patent 6,775,793; hereafter Deao). Deao discloses a data exchange system (abstract).

Claim 15. A method of insulating an operating environment emulator (emulating environment, column 2, lines 60-63) from a host computer (column 2, line 38), the method comprising: connecting an emulation device (figure 2, element 142) to a host computer (abstract) having an original operating system (column 4, lines 14-17, system...each having a central processing unit(CPU) for operating data files) and a host processor (column 4, lines 14-17 ); selecting an emulated operating system (element 142) from multiple emulated operating systems (column 1, lines 37-42) available; executing the emulated operating system (element 142) located on the emulation device using the host processor (column 4, lines 14-17 ) of the host computer (column 2, line 38); disabling (column 4, lines 30-36, particularly, line 36) host task management on the original operating system; routing input/output signals (figure 2, element 142, signals to and from the element 126) only through the emulated operating system (element 142); and activating an environmental shutdown by disabling (column 4, lines 30-36, particularly, line 36) the emulated operating system (element 142) in response to interactions between the original operating system and the emulated operating system (element 142).

Claim 16. The method of claim 15, wherein disabling (column 4, lines 30-36, particularly, line 36) further comprises completely isolating the host computer (column 2, line 38).

Claim 17. The method of claim 15, wherein disabling (column 4, lines 30-36, particularly, line 36) further comprises allowing a user to define allowed interactions between the host computer (abstract) and the emulation device (figure 2, element 142).

***Section II: Response to Arguments***

***102(e)***

5. Applicants are thanked for addressing these issues; however, their arguments are non-persuasive in view of the prior art since the prior art does disclose an emulated operating system ("The emulator is a software development tool that allows software under development to executed, controlled and viewed in a real hardware environment. An emulator may be hardware, software or both"; column 1, lines 37-42). Rejection stands.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715.

If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Albert Decady (571-272-3819). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

/Albert Decady /  
Supervisory Patent Examiner  
Tech Center 2100

/Thomas H. Stevens/  
Examiner, Art Unit 2121